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April 21, 2009

Susan Bonilla, Chair
Board of Supervisors
County of Contra Costa
651 Pine Street
Martinez, CA 94553

Dear Chair Bonilla:

The Lafayette City Council received District Attorney Robert Kochly's April 20th memorandum regarding new District Attorney filing policies that are scheduled to become effective on May 4th.

Kochly announced that, due to budget cuts, the DA will no longer prosecute many crimes. While felonies will still be prosecuted, most misdemeanors will not. Specifically, Kochly states that the DA will no longer review or file:

- Any simple drug possession cases, including for methamphetamine, cocaine, and heroin
- All non-DUI driving or traffic offenses
- Misdemeanor property crimes (e.g., vandalism, shoplifting)
- Simple assault or battery cases
- Trespassing or loitering cases

Kochly writes, "With respect to these types of cases, we ask that they not even be submitted by your agency."

We view this policy as a significant breakdown of our criminal justice system. If lawbreakers will not be charged, it creates perverse incentives, none of which is likely to be positive for the community.

In short, Mr. Kochly's instructions are unacceptable. However, we believe they emanate from budget decisions made by the Board of Supervisors. We urge the Supervisors to take the steps necessary to ensure that laws necessary for a civil society are enforced in Contra Costa County.

Most sincerely,

Don Tatzin
Mayor

Cc: Lafayette City Council

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